

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	:	CHAPTER 7
	:	
TRACY DENNIS,	:	
	:	CASE NO. 20-63562-PMB
Debtor.	:	
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S. GREGORY HAYS, Chapter 7 Trustee for the	:	
Estate of Tracy Dennis,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	ADVERSARY PROCEEDING
	:	NO. 20-06079-PMB
UNITED COMMUNITY BANK,	:	
	:	
Defendant.	:	

**REPORT OF RULE 26(f) CONFERENCE**

The conference held pursuant to FED. R. CIV. P. 26(f) and BLR 7016-1 on October 21, 2020 was attended remotely by:

For Plaintiff S. Gregory Hays, Trustee: Michael J. Bargar

For Defendant United Community Bank: Monica K. Gilroy

1. **Initial Disclosures.** (Include one or more of the following, modified as appropriate.)

[ ] The parties have made the initial disclosures required by FED. R. CIV. P. 26(a)(1).

[ ] The parties agree to provide disclosures within 28 days of entry of this report on the docket in this adversary proceeding.

[X] The parties have agreed not to make initial disclosures and to waive the requirements of FED. R. CIV. P. 26(a)(1) with regard to same.

2. **Discovery Plan.** The parties jointly propose to the Court the discovery plan as shown on the attached *Exhibit A*.

3. **Other items.** [Use separate paragraphs or subparagraphs as necessary if parties disagree.]

(a) The parties shall submit a consolidated pretrial order within forty five (45) days of the close of discovery, or entry of an order on a dispositive motion that does not resolve all outstanding issues.

(b) Plaintiff will be allowed until the end of discovery to file motions to join additional parties and allowed to file motions to amend the pleadings as set forth in Rule 15 of the Federal Rules of Civil Procedure (the “Federal Rules”), made applicable in this adversary proceeding by Rule 7015 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

(c) Defendant will be allowed until the end of discovery to file motions to join additional parties and to amend the pleadings as set forth in Rule 15 of the Federal Rules, made applicable in this adversary proceeding by Rule 7015 of the Bankruptcy Rules.

(d) All dispositive motions will be filed within forty five (45) days of the close of discovery.

4. **Settlement Potential.**

(a) The parties [X] have [ ] have not discussed settlement.

(b) The parties [X] do [ ] do not intend to hold additional settlement conferences among themselves prior to the close of discovery. The proposed date of the next settlement conference will be at a reasonable time as agreed to by the parties.

(c) The parties [ ] have [X] have not considered alternative dispute resolution.

(d) Settlement prospects may be enhanced by one of the following alternative dispute resolution procedures: [X] Mediation; [ ] Judicial settlement conference; [ ] Early neutral evaluation; [ ] Other.

5. Identify any other matters regarding discovery or case management that may require the Court’s attention (*e.g.*, concerns about confidentiality; the need for protective orders; unmovable scheduling conflicts). None.

6. The parties consent to entry of final orders and judgments by the Court.

7. Any other matters not covered above:

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8. The parties [ ] do [X] do not request a conference with the Court prior to entry of the scheduling order. Any such conference may be [ ] by telephone [ ] in chambers [ ] in court.

Respectfully submitted, this 21st day of October, 2020.

ARNALL GOLDEN GREGORY LLP  
*Attorneys for Trustee*

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## **Exhibit A**

### **Report of Rule 26(f) Conference**

#### **1. Initial Disclosures**

The parties have agreed *not* to make initial disclosures and to waive the requirements of FED. R. CIV. P. 26(a)(1) with regard to same.

#### **2. Discovery Plan**

(Modify as appropriate; use separate paragraphs or subparagraphs as necessary if the parties disagree.)

(a) Discovery will be needed on the following subjects: The matters set forth in the filed pleadings.

(b) All discovery will be commenced in time to be completed by April 19, 2021.

(c) Each party may propound a maximum number of interrogatories to any other party as set forth in the Federal Rules of Civil Procedure (the “Federal Rules”), as made applicable in this adversary proceeding by the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”). Responses to interrogatories are due as set forth in the Federal Rules, as made applicable in this adversary proceeding by the Bankruptcy Rules.

(d) Each party may submit a maximum number of requests for production of documents to any other party as set forth in the Federal Rules, as made applicable in this adversary proceeding by the Bankruptcy Rules. Objections to production of documents are due as set forth in the Federal Rules, as made applicable in this adversary proceeding by the Bankruptcy Rules.

(e) Each party may submit a maximum number of requests for admission to any other party as set forth in the Federal Rules, as made applicable in this adversary proceeding by the Bankruptcy Rules. Responses to requests for admission are due as set forth in the Federal Rules, as made applicable in this adversary proceeding by the Bankruptcy Rules.

(f) The number of depositions shall not be limited for plaintiff(s) or defendant(s).

(g) Each deposition is limited to a maximum number of hours as set forth in the Federal Rules or the local rules of the Bankruptcy Court, unless extended by agreement of the parties or by order of the Court.

(h) Reports from retained experts under FED. R. CIV. P. 26(a)(2) are due from plaintiff(s) by January 5, 2021, and from defendant(s) by January 5, 2021. Reports from rebuttal experts are due from plaintiff(s) and defendant(s) in accordance with FED. R. CIV. P. 26(a)(2)(D)(ii).

(i) Supplementations under FED. R. CIV. P. 26(e) are due as set forth in the Federal Rules, as made applicable in this adversary proceeding by the Bankruptcy Rules.

### **CERTIFICATE OF SERVICE**

This is to certify that I, Michael J. Bargar, am over the age of 18 and that I have this day served a true and correct copy of the foregoing ***Report of Rule 26(f) Conference*** by regular mail on all those persons or entities set forth below at the addresses stated below:

Monica K. Gilroy  
The Gilroy Firm  
3780 Mansell Road, Suite 140  
Alpharetta, Georgia 30022

This 21st day of October, 2020.

/s/ Michael J. Bargar  
Michael J. Bargar  
Georgia Bar No. 645709